

CASE NO. - GNR-T-17-05

May 17, 2018

To: Idaho Public Utilities Comm.

From: David Hoffman

Garden Valley Idaho

208 462 5656

Dear Commission Secretary,

There is a process the PUC is involved with regard Idaho landline telephone bills whereby the PUC is attaching a Universal Service Fee Toll to each bill.

In the past I have spoken to PUC investigators who are familiar with my complaint of this tactic. While you may have Idaho code allowing such a practice, as happens all too often, legislators did not think this through all the way as this tactic horribly effects rural residence only.

Every phone call I make requires me to dial 1 208. I even have to dial this when calling my county seat in Idaho City. I pay well over \$ 20 each month which is attached to my bill as if the State of Idaho is in the long distance phone business. This procedure is actually illegal even when following Idaho code because it targets a select group of citizens. The rural citizens pay the majority of monies collected which the WHOLE STATE of Idaho benefits from. This of itself is a civil rights violation. It violates a 14<sup>th</sup> Amendment for lack of equal protection under the law. It may also violate a 5<sup>th</sup> Amendment clause for lack of due process.

Through a not very well thought out Idaho Code, the PUC is collecting monies from rural areas in abundance whereas all other calling areas have a wide range of calls they make which are not a 1 208 type of call and no monies are collected from them.

While it is not likely anyone is going to sue the PUC or the State of Idaho for what is described herein, these points are made to show how serious this is and how one group of citizens are being targeted and in so doing, the majority of monies collects is from this group.

Long ago in Connecticut a law suit prevailed in a similar scenario.

The State of Ct. has two major road arteries which run parallel to each other in which both roadways had tolls on them at the same points of roadway. I-95 ran along the coast going northerly while the Merritt Parkway ran inland about ten miles parallel to 95. At the north point on both roads around Fairfield was a toll and both roads had another tollhouse on the southern region at Greenwich. This area is possibly one of the richest areas in the U.S. and was also known for having been coined the term bedroom communities of NYC as so many people drove from their home to NYC to work.

Each day these people would have to pay tolls to get to work while the rest of the state had no tolls to operate. After a long time of abuse, a suit was filed alleging the rich community of Fairfield County was paying taxes and tolls none of the other citizens were paying and in which the whole state benefited from said tolls. The tolls were removed as they were deemed unconstitutional.

The Universal Service Fee of 25 cents is not the problem. The problem is the per minute charge of the Universal Service Fee TOLL attached to each bill which targets rural phone areas but by which the whole state of Idaho benefits. THIS is not legal and the code Idaho created is NOT LEGAL. While you attach this toll to all accounts, no one but rural areas are really effected. This practice is not fair. The State of Idaho is not a long distance service carrier yet acts is if they are.

I do not pay any long distance fees for my phone service as per the company but the PUC has decided I shall in fact do so. EVERY CALL I make for the most part is effected by this unconstitutional statute.

The only way to get PUC to admit what they are doing is legally and morally wrong is to continue to bring this to your attention.

Please do not do as legislatures have tried to do while I testify before committees and say the words 'what we do is not illegal' when in fact if Idaho created a code contrary to the Constitution, it is illegal. If I don't go down to the big dome and tell them this repeatedly, they forget.

Please contact me with your intent of fixing this bad practice. With respect, I am not going to continue to standby while this continues.

David Hoffman